

Notice of Allowability

Application No.

10/801,521

Examiner

Johnnie L. Smith II

Applicant(s)

RASMUSSEN, JORGEN

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 03/12/04.
2. ☒ The allowed claim(s) is/are 1,2,4,6,8-19,21 and 22.
3. ☒ The drawings filed on 12 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 0614
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Walter Karnstein on 03/15/05.

The application has been amended as follows:

- Claims 3, 5, 7, and 20 (cancelled)
- Claim 1. An end effector configured to support a microsample for instrumental analysis, comprising:
 - a generally planar body **including an aperture**; and
 - a cantilever tip **pivotally** extending from the planar body, **the cantilever tip being** configured to be associated with the microsample **such that pivoting the cantilever tip brings the cantilever tip substantially into alignment with the aperture.**
- Claim 19. A method of using an end effector having a generally planar body, and a cantilever tip associated with the planar body; comprising:

associating a sample with the cantilever tip;
transporting the end effector to an analytical instrument;
pivoting the cantilever tip; and
analyzing the sample;

**wherein the end effector includes an aperture in the planar body, and
pivoting the cantilever tip brings the sample substantially into alignment with
the aperture.**

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: the prior art searched and cited failed to teach or fairly suggest applicant's limitations of having an end effector configured to support a microsample comprising a generally planar body including an aperture and a cantilever tip pivotally extending from the planar body, the cantilever tip being configured to be associated with the microsample such that pivoting the cantilever tip brings the cantilever tip substantially into alignment with the aperture as disclosed in claim 1. Claims 2, 4, 6, and 8-18 are allowable because of their dependencies upon claim 1. The prior art also failed to teach or fairly suggest a method of using an end effector having a generally planar body, and a cantilever tip associated with the planar body;

wherein the end effector includes an aperture in the planar body, and pivoting the cantilever tip brings the sample substantially into alignment with the aperture as disclosed in claim 19. Claims 21 and 22 are allowable because of their dependencies upon claim 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US references cited on the attached PTO 892 contain art similar to that being claimed by applicant, more specifically, electron microscope sample manipulation methods and apparatuses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnnie L. Smith II whose telephone number is 571-272-2481. The examiner can normally be reached on Monday-Thursday 7-4 P.M. and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on 571-272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JLSII

Johnnie L Smith II
Examiner
Art Unit 2881



NIKITA WELLS
PRIMARY EXAMINER

03/21/05